

Editorial

Needed: a Department of Toxic Substances Control worthy of its name



The Exide battery recycling plant in Vernon has been accused of endangering more than 100,000 people with its arsenic emissions and is being investigated as the source of lead contamination in nearby backyards. (Los Angeles Times)

By **THE TIMES EDITORIAL BOARD** *contact the reporter*

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What good is a Department of Toxic Substances Control that doesn't control toxic substances?

The California Department of Toxic Substances Control has been called an agency in "turmoil" by its own former director. Multiple reports and investigations in recent years have described a department unwilling or unable to enforce environmental laws or to properly regulate hazardous waste businesses, putting the public at risk. Perhaps the worst example is the Exide battery recycling plant in Vernon, which has been accused of endangering more than 100,000 people with its arsenic emissions and is being investigated as the source of lead contamination in nearby backyards. The department allowed Exide to operate for three decades on a temporary permit that lacked strong environmental protections.

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Under Director Debbie Raphael, who resigned in May, the department finally began to address its long-standing problems. It has revamped its collection

processes to try to recoup from polluters \$184 million that taxpayers spent cleaning up contaminated sites. And it has added staff and implemented a new system to better supervise shipments of hazardous waste after losing track of 174,000 tons of hazardous materials over five years.



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Nevertheless, further reforms are needed. State Sen. Kevin de León (D-Los Angeles) has a comprehensive bill to strengthen internal and external oversight of the department. Gov. Jerry Brown can also help put it on the right track by appointing a director capable of — and interested in — completing the department overhaul. Last month, a coalition of 35 environmental and community groups, many of which have clashed with the department over lax enforcement, sent a letter to Brown urging him to choose an independent leader who will ensure that its top priority is protecting the public from toxins, not helping polluters stay in business. Brown should heed their advice.

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In its original version, De León's SB 812 merely set deadlines for the department to approve or deny a facility's permit renewal, a change designed to stop major hazardous waste facilities from operating for years on outdated, expired permits that did not fully protect the community. But after legislative hearings and consultation with environmental groups, De León broadened his bill to establish a Bureau of Internal Affairs within the agency to investigate allegations of misconduct and a citizen oversight committee to publicly vet community concerns and advise the department on its decision-making process. The committee wouldn't set policy or control the director, but there's still value in having a public panel formally charged with making the department transparent and accountable, which is the best way to ensure that it lives up to its mission of protecting California from toxic harm.

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